

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
JANUARY 19, 2022**

***ACTION MINUTES** – These minutes are prepared to depict action taken for agenda items presented to the City Council. For detail of this meeting refer to the electronic media (CD and/or audio) kept as a permanent record.*

***SPECIAL NOTE:** This meeting was held by teleconference due to the COVID-19 Pandemic and in accordance with Assembly Bill 361.*

CALL TO ORDER: Mayor Faria called the City Council Meeting to order at the hour of 6:08 p.m.

PLEDGE OF ALLEGIANCE: Police Chief Brizzee led the pledge of allegiance.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Brett Jones, Kenneth Lambert, Deborah Lewis, Refugio LLamas, Mayor Manuel Thomas Faria III; **ABSENT:** None.

STAFF MEMBERS PRESENT: City Manager Pinheiro, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Finance Director Williams, Community & Economic Development Director Elms, Police Chief Brizzee, Fire Chief Hurley, Interim Public Works Director Bowersox.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Lewis, seconded by LLamas to approve the agenda as submitted. The motion carried by the following roll call vote: **AYES:** Jones, Lambert, Lewis, LLamas, Mayor Faria; **NOES:** None; **ABSENT:** None.

PRESENTATIONS.

PRESENTATIONS – CERTIFICATES OF RECOGNITION. EFREN FERNANDEZ, POLICE OFFICER – EMPLOYEE OF THE YEAR; CARLOS GRANILLO, MAINTENANCE WORKER III – EMPLOYEE OF THE YEAR NOMINEE; MARIO INIGUEZ, MAINTENANCE MECHANIC – EMPLOYEE OF THE YEAR NOMINEE. Mayor Faria read and presented the certificates of recognition, for which Carlos Granillo and Mario Iniguez were in attendance to accept the recognition.

PROCLAMATIONS RECOGNIZING CITY COMMISSIONERS. DENNIS REED – AIRPORT ADVISORY COMMISSION; KATHY BALLARD – MEASURE H CITIZENS OVERSIGHT COMMITTEE; ROGER PRUITT – MEASURE H CITIZENS OVERSIGHT COMMITTEE; MARK BODLEY – MEASURE P COMMITTEE; TIM MCNALLY – MEASURE P COMMITTEE; JOHN SPEVAK – PARKS & RECREATION COMMISSION; LAUREL HEATON – TREE COMMISSION; TRINIDAD RAMOS – TREE COMMISSION. Mayor Faria read and presented the proclamations, for which Dennis Reed, Kathy Ballard, and John Spevak were in attendance to accept the recognition.

REORGANIZATION OF CITY COUNCIL – SELECTION OF MAYOR PRO TEM. Mayor Faria noted that the Mayor Pro Tem has historically been made on an annually, rotating basis.

Motion by Faria, seconded by Lewis to appoint Council Member Kenneth Lambert as the new Mayor Pro Tem. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

Mayor Faria thanked Council Member Lewis for serving as Mayor Pro Tem the last year.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE. Mayor Faria opened the public forum and asked those participating in the meeting if they would like to speak: JOHN SPEVAK, Los Banos Rotary Club, and how they are working on a memorial for Colleen Menefee with approved plans to install standard city benches in front of the library and have a tree planted in between the benches in coordination with the City of Los Banos and Merced County, he encourages those in Los Banos to contribute to this project through the Los Banos Rotary Club/Westside Foundation; SANDRA BENETTI, representative with Peninsula Clean Energy (PCE) spoke regarding rooftop solar services, how PCE will start serving Los Banos in April 2022, upcoming virtual workshops for enrollment in special services like solar savings; KATHY BALLARD spoke in opposition to having meetings online instead of in person, other city meetings are being held in person, feels that the meetings need to be more accessible for people to attend. Mayor Faria then asked City Clerk Mallonee if she had received any comments, for which City Clerk Mallonee stated that she received no comments to be read into the record. No one else came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Motion by Jones seconded by Lambert to approve the consent agenda as follows: Check Register for #230511 – #230614 in the Amount of \$332,283.42; Minutes for the City Council Meeting of December 15, 2021; City Council Resolution No. 6448 – Reauthorizing Remote Teleconference Meetings of the Legislative Bodies of the City of Los Banos Pursuant to the Provisions of AB 361; City Council Resolution No. 6449 – Appointing Members to the Measure P Citizens Oversight Committee: Mark Bodley & Tim McNally; City Council Resolution No. 6450 – Authorizing the City Manager to Execute a Professional Services Agreement with Monument for Right-of-Way and Surveying Services for the Pioneer Road Widening Project; City Council Resolution No. 6451 – Authorizing the Release of Unclaimed Checks Pursuant to California Government Code Section 50050 and 50053 to the City of Los Banos; City Council Resolution No. 6452 – Authorizing the City Manager to Charge a Flat Rate for Late Penalties for Delinquent Water, Wastewater and Solid Waste Services; City Council Resolution No. 6453 – Approving the Application Submission for the Rural Recreation and Tourism Program Grant. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

CONSIDERATION OF APPROVAL OF ORDINANCE NO. 1193 – APPROVING A PRE ANNEXATION DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LOS BANOS AND AMG & ASSOCIATES, LLC FOR THE ANNEXATION OF APPROXIMATELY 28.5 ACRES GENERALLY LOCATED AT THE SOUTHEAST CORNER OF OVERLAND AVENUE AND JOHNSON ROAD MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER 081-110-007 [AMG INDUSTRIAL BUSINESS PARK ANNEXATION] (SECOND READING & ADOPTION). Community & Economic Development Director Souza Elms presented the staff report.

Motion by Jones, seconded by Lewis to waive the second reading of Ordinance No. 1193 – Approving a Pre Annexation Development Agreement between the City of Los Banos and AMG & Associates, LLC for the Annexation of Approximately 28.5 Acres Generally Located at the Southeast Corner of Overland Avenue and Johnson Road More Specifically Identified as Assessor’s Parcel Number 081-110-007 [AMG Industrial Business Park Annexation]. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

Motion by Jones, seconded by Lewis to adopt Ordinance No. 1193 – Approving a Pre Annexation Development Agreement between the City of Los Banos and AMG & Associates, LLC for the Annexation of Approximately 28.5 Acres Generally Located at the Southeast Corner of Overland Avenue and Johnson Road More Specifically Identified as Assessor’s Parcel Number 081-110-007 [AMG Industrial Business Park Annexation]. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

CONSIDERATION OF APPROVAL OF ORDINANCE NO. 1194 – ADDING CHAPTER 3.2 (ORGANIC WASTE DISPOSAL REDUCTION) TO TITLE 6 (SANITATION AND HEALTH) OF THE LOS BANOS MUNICIPAL CODE (SECOND READING & ADOPTION). Public Works Operations Manager Via presented the staff report.

There was Council Member and staff discussion regarding access to private property, doesn’t want this to be burdensome residents, fee schedule to allow for moderate fines, concerns with state mandates, what to do with coffee can compost, purchasing back composting and what the plans are to do with composting, i.e. landscape areas, what types of mulching will be available, and items that residents will need to purchase to be compliant with these new rules.

Motion by Jones, seconded by Lambert to waive the second reading of Ordinance No. 1194 – Adding Chapter 3.2 (Organic Waste Disposal Reduction) to Title 6 (Sanitation and Health) of the Los Banos Municipal Code. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

Motion by Jones, seconded by Lambert to introduce Ordinance No. 1194 – Adding Chapter 3.2 (Organic Waste Disposal Reduction) to Title 6 (Sanitation and Health) of the Los Banos Municipal Code. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, Mayor Faria; NOES: LLamas; ABSENT: None.

CONSIDERATION OF ADOPTION OF CITY COUNCIL RESOLUTION NO. 6454 – ACCEPTING THE 2020-2021 FISCAL YEAR AUDIT REPORTS CONSISTING OF THE ANNUAL COMPREHENSIVE FINANCIAL REPORT AND THE GOVERNMENT AUDITING STANDARDS REPORT.

Finance Director Williams presented the staff report, introducing Fausto Hinojosa, Managing Partner with Price Paige & Company, who spoke in more detail regarding the results of the City's annual audit, noting that the audit showed an unmodified/clean audit opinion, with no findings or concerns, with a strong financial condition.

There was Council Member and staff discussion regarding the great job the City of Los Banos Finance/Accounting team is and their quality of care is top notch.

Motion by Lambert, seconded by LLamas to adopt City Council Resolution No. 6454 – Accepting the 2020-2021 Fiscal Year Audit Reports Consisting of the Annual Comprehensive Financial Report and the Government Auditing Standards Report. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

ELIMINATION OF THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION; ORDINANCE NO. 1195 – ELIMINATING THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION SPECIFICALLY REPEALING TITLE 2 CHAPTER 2 ARTICLE 4 OF THE LOS BANOS MUNICIPAL CODE (FIRST READING & INTRODUCTION). Community & Economic Development Director Souza Elms presented the staff report.

Motion by Lewis, seconded by Jones to waive the first reading of Ordinance No. 1195 – Eliminating the Economic Development Advisory Commission Specifically Repealing Title 2 Chapter 2 Article 4 of the Los Banos Municipal Code. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

Motion by Lewis, seconded by Jones to introduce Ordinance No. 1195 – Eliminating the Economic Development Advisory Commission Specifically Repealing Title 2 Chapter 2 Article 4 of the Los Banos Municipal Code. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

SPEED CUSHION POLICY REVIEW REPORT. Interim Public Works Director Bowersox presented the staff report, which included a PowerPoint presentation. She introduced Gary Black, Hexagon Transportation Consultants, Inc. who spoke in more detail to the Traffic Calming Study they conducted.

There was Council Member and staff discussion regarding buffers and examples of what that might look like, statistics based on what is actually working, arterial streets, collector streets, speeding issues, dividers, medians, speed cushions, stops signs, older neighborhoods, making neighborhoods safe, amending the criteria of the speed cushion policy, amending the appeal process, city-wide traffic calming policy not limited to just

speed cushions, preparing a systemic safety analyst report, applying for grant funding for street calming devices, threshold 50-70% and how helpful that is, thru traffic, sticking to the policy as it is and allowing staff to make decisions and not bring the policy back each time the City Council changes.

Motion by Lewis, seconded by Lambert to bring back to a date uncertain the Speed Cushion Policy Review Report after Council Members Lewis and Lambert have met and worked with staff on the topics of concern. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

ACCEPTANCE OF GRANT DEEDS FROM THE LOS BANOS DESIGNATED LOCAL AUTHORITY (DLA), AS SUCCESSOR AGENCY TO THE FORMER LOS BANOS REDEVELOPMENT AGENCY (RDA) TO THE CITY OF LOS BANOS; CITY COUNCIL RESOLUTION NO. 6455 – ACCEPTING THE GRANT DEED FROM THE LOS BANOS DLA, AS SUCCESSOR AGENCY TO THE FORMER LOS BANOS RDA TO THE CITY OF LOS BANOS, A 3.2 ACRE PARCEL LOCATED ON 2ND STREET AND 4TH STREET AND BETWEEN G STREET AND H STREET, CURRENTLY ZONED RAIL CORRIDOR (RC), APN 025-054-005, DEVELOPED WITH A PUBLIC WALKING TRAIL; CITY COUNCIL RESOLUTION NO. 6456 – ACCEPTING THE GRANT DEED FROM THE LOS BANOS DLA, AS SUCCESSOR AGENCY TO THE FORMER LOS BANOS RDA TO THE CITY OF LOS BANOS, A 6.5 ACRE PARCEL LOCATED BETWEEN WARD ROAD AND PLACE ROAD, CURRENTLY ZONED RAIL CORRIDOR (RC), APN 083-100-067; DEVELOPED WITH A PUBLIC WALKING TRAIL. City Attorney Vaughn presented the staff report.

Motion by Lambert, seconded by LLamas to adopt City Council Resolution No. 6455 – Accepting the Grant Deed from the Los Banos DLA, as Successor Agency to the Former Los Banos RDA to the City of Los Banos, a 3.2 Acre Parcel Located on 2nd Street and 4th Street and between G Street and H Street, Currently Zoned Rail Corridor (RC), APN 025-054-005, Developed with a Public Walking Trail. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

Motion by Lewis, seconded by Jones to adopt City Council Resolution No. 6456 – Accepting the Grant Deed from the Los Banos DLA, as Successor Agency to the Former Los Banos RDA to the City of Los Banos, a 6.5 Acre Parcel Located between Ward Road and Place Road, Currently Zoned Rail Corridor (RC), APN 083-100-067; Developed with a Public Walking Trail. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

Council Member Lambert stated that he has been advised by the City Attorney that since his place of business is within 500 feet of this property that he cannot participate in this item and left the City Council Meeting.

ACCEPTANCE OF GRANT DEED FROM THE LOS BANOS DESIGNATED LOCAL AUTHORITY (DLA), AS SUCCESSOR AGENCY TO THE FORMER LOS BANOS REDEVELOPMENT AGENCY (RDA) TO THE CITY OF LOS BANOS; CITY COUNCIL

RESOLUTION NO. 6457 – ACCEPTING THE GRANT DEED FROM THE LOS BANOS DLA, AS SUCCESSOR AGENCY TO THE FORMER LOS BANOS RDA TO THE CITY OF LOS BANOS, A 0.18 ACRE PARCEL LOCATED ON G STREET AND 9TH STREET (FUTURE), CURRENTLY ZONED RAIL CORRIDOR (RC), APN 025-114-005, UNDEVELOPED. City Attorney Vaughn presented the staff report.

Motion by Jones, seconded by LLamas to adopt City Council Resolution No. 6457 – Accepting the Grant Deed from the Los Banos DLA, as Successor Agency to the Former Los Banos RDA to the City of Los Banos, a 0.18 Acre Parcel Located on G Street and 9th Street (Future), Currently Zoned Rail Corridor (RC), APN 025-114-005, Undeveloped. The motion carried by the following roll call vote: AYES: Jones, Lewis, LLamas, Mayor Faria; NOES: None; ABSTAIN: Lambert; ABSENT: None.

Council Member Lambert returned to the meeting.

APPOINT COMMISSIONERS TO THE FOLLOWING COMMISSIONS: PARKS & RECREATION COMMISSION – TWO (2) VACANCIES, TWO (2) TWO (2) YEAR TERMS – EXPIRING DECEMBER 31, 2023; MEASURE H CITIZENS’ OVERSIGHT COMMITTEE – FOUR (4) VACANCIES, ONE (1) TWO (2) YEAR TERM – EXPIRING DECEMBER 31, 2023; TREE COMMISSION – THREE (3) VACANCIES, ONE (1) TWO (2) YEAR TERM – EXPIRING DECEMBER 31, 2023. Motion by Faria, seconded by LLamas to appoint Leonardo Cortez and John Spevak to the Park & Recreation Commission for a two year term, expiring December 31, 2023. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

Motion by Faria, seconded by LLamas to appoint Kathy Ballard to the Measure H Citizens’ Oversight Committee for a two year term, expiring December 31, 2023. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

Motion by Faria, seconded by Lewis to appoint Mark Koehler to the Tree Commission for a two year term, expiring December 31, 2023. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

Mayor Faria made note that after the aforementioned appointments, there still remains two (2) vacancies on the Airport Advisory Commission, two (2) vacancies on the Tree Commission, three (3) vacancies on the Measure H Citizens’ Oversight Committee for which the City Clerk will re-advertise the vacancies and he encouraged those interested to apply for this great volunteer opportunity.

ADVISEMENT OF PUBLIC NOTICES. (No Report)

CITY MANAGER REPORT. City Manager Pinheiro gave a shout out to Employees of the Year and those that were nominated, thanked the Finance staff for their hard work.

REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG), PENINSULA CLEAN ENERGY (PCE), AND MEASURE V COMMITTEE.

Mayor Faria reminded all about the upcoming PCE workshops, next MCAG meeting is January 20, 2022.

CITY COUNCIL MEMBER REPORTS.

KENNETH LAMBERT: Apologized for his camera not working and thanked the Mayor for the opportunity to fill in as Mayor Pro Tem.

DEBORAH LEWIS: Thanked all the members of the various commissions and committees that have served and those that were recognized tonight, congratulated Council Member Lambert being appointed to Mayor Pro Tem, requested that Dr. Yu come and give us an update on COVID-19 and the current virus.

REFUGIO LLAMAS: Thanked all the staff for all the reports provided and congratulated Officer Fernandez as Employee of the Year, would like more information on the current status of COVID-19 from Dr. Yu and with things on the back side of this, he hopes that things will open up and we will be back having meetings in the Council Chambers.

BRETT JONES: No report.

MAYOR TOM FARIA: Congratulated everyone and to also to his former student GB Blackmon for being an outstanding performer and was just name Director of Playhouse Merced, reminded those interested to apply for the vacancies on the commissions and committees.

ADJOURNMENT. Motion by Lewis, seconded by Lambert, the meeting was adjourned at 8:06 p.m. The motion carried by the following roll call vote: AYES: Jones, Lambert, Lewis, LLamas, Mayor Faria; NOES: None; ABSENT: None.

APPROVED:

/s/ Manuel Thomas Faria III
Manuel Thomas Faria III, Mayor

ATTEST:

/s/ Lucille L. Mallonee
Lucille L. Mallonee, City Clerk